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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,913	09/22/2003	Stefan Deferme	1316N-001664	9924

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EXAMINER

NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,913

Applicant(s)

DEFERME, STEFAN

Examiner

Lan Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/09/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 is presented as being depending on claim 7, which is improper; since claim 7 is presented as being depending from claim 6. It is believed that claim 6 is intended to be depending from claim 1 based on the claim language. To further prosecution of the application, claim 6 is being examined as depending on claim 1. Having established this, "said bolt" in claim 6 needs to be --a bolt--.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Groves et al. (USP 5,325,942).

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Groves et al. show a shock absorber, as in the present invention, comprising: a pressure tube 12 forming a working chamber 14, a piston body 16 slidably disposed within said working chamber, said piston body dividing said working chamber into an upper working chamber and a lower working chamber as shown in figures 2A and 2B, a piston rod 18 attached to said piston body, said piston rod extending through one end 44 of said pressure tube 12; a reserve tube 38 surrounding said pressure tube 12 to form a reservoir chamber 36 between said reserve tube and said pressure tube; a base valve assembly 34 disposed between said working chamber 14 and said reserve chamber 36, said reserve chamber comprising: a cylinder end 138 disposed between said pressure tube and said reserve tube, said cylinder end defining a central fluid passage 140, an intake valve 130 disposed adjacent said cylinder end to close said central fluid passage, said intake valve defining a plurality of compression passages 132; and a disc spring 144-152 biased against said intake valve to close said plurality of compression passages.

Re: claim 2, Groves further shows an intake spring 142 biasing said intake valve 130 against said cylinder end 138.

Re: claim 3, Groves shows in figures 9A-10A, said cylinder end 138 defines an annular land not numbered but shown in figure 9B to be right underneath spring disc 152, said intake valve engaging said land to close said central fluid passage.

Re: claim 4, Groves also shows said annular land defines a bleed orifice, not numbered but in figure 9B, an arrow is illustrated to defined the flow path through the bleed orifice underneath spring disc 152.

Claim Rejections - 35 USC § 103

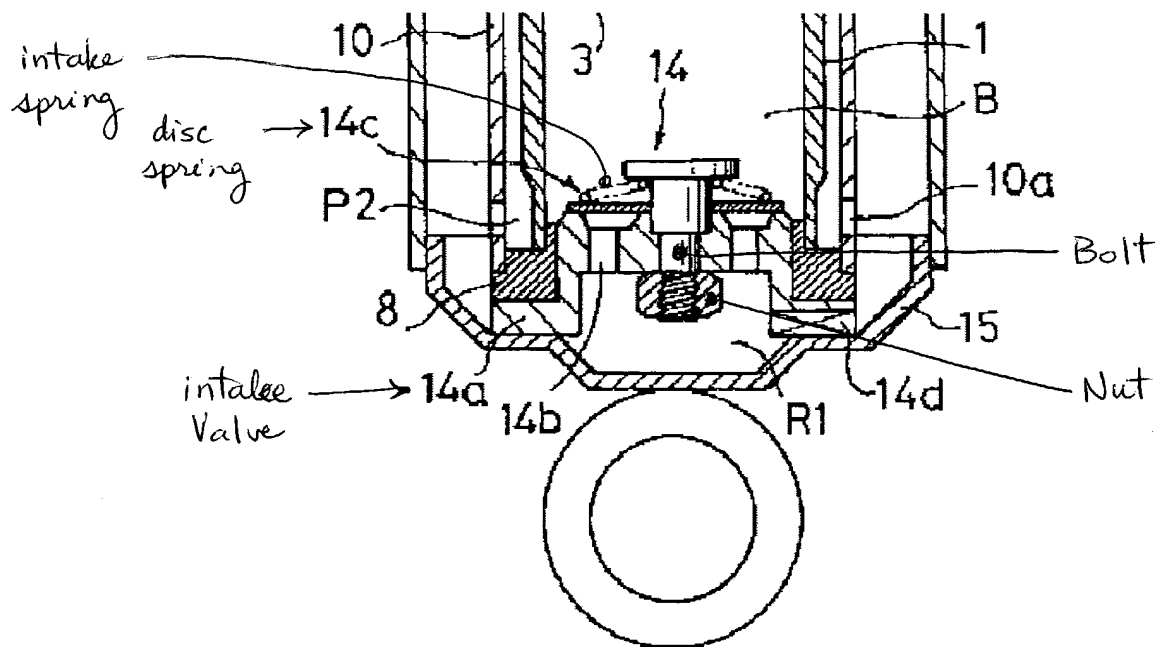
5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groves et al. in view of Yoshimura et al. (JP 06002731 A).

Re: claims 5 and 6, Groves' shock absorber, as rejected in claim 1, shows a one piece intake valve 130 serving as a valve body with passages 132 and valve seat 134 and as a fastening member for intake spring 142 and disc spring 144-152 to securely connecting the intake spring and the disc spring to the valve body; while the instant invention claims a bolt and a nut to fasten the intake spring and the disc spring to the intake valve. Yoshimura et al. teach the concept of using a bolt and a nut to fasten a disc spring 14c and an intake spring to a valve body 14a in a shock absorber. Please see marked up figure below. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Groves' base valve to have comprised a fastening device of a bolt and a nut such as taught by Yoshimura to fasten the intake valve and the disc spring to the intake valve in order to reduce the manufacturing cost when producing a simpler shaped intake valve at the same time increasing the security of fastening the intake spring and the disc spring to the intake valve.

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Re: claim 7, Groves shows in figures 9A-10A, said cylinder end 138 defines an annular land not numbered but shown in figure 9B to be right underneath spring disc 152, said intake valve engaging said land to close said central fluid passage.

Re: claim 8, Groves also shows said annular land defines a bleed orifice, not numbered but in figure 9B, an arrow is illustrated to defined the flow path through the bleed orifice underneath spring disc 152.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347.

The examiner can normally be reached on M-F, 8 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 6/7/04
Lan Nguyen
Patent Examiner
A. U. 3683